

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIE RICHARDSON, III,)	No. C 04-2712 RMW (PR)
)	
Petitioner,)	ORDER GRANTING
)	EXTENSION OF TIME
)	
vs.)	
)	(Docket Nos. 42 & 43)
)	
BEN CURRY, Warden,)	
)	
Respondent.)	
)	

Good cause appearing, petitioner's request for an extension of time is GRANTED. On or before July 7, 2008, petitioner shall comply with the March 31, 2008 Order Granting in Part Respondent's Motion to Dismiss; Requiring Petitioner's Election Regarding Mixed Petition by filing a notice stating whether he elects to: (1) dismiss the unexhausted claims, and go forward in this action with only the remaining claims; or (2) terminate this action and return to state court to complete the exhaustion of all of his claims before returning to federal court to present all of his claims in a new petition; or (3) request a stay of these proceedings while he exhausts his state court remedies. If petitioner chooses option (3), he must submit a motion to stay the second amended petition and demonstrate the showing required by Rhines v. Webber, 544 U.S. 269, 277-78 (2005), as set forth in the March 31, 2008 Order.

Petitioner's failure to file such a notice on or before July 7, 2008 will result in the

1 **dismissal of this action.** As petitioner will have had over three months to file such a notice of
2 election, no further extensions of time will be granted.

3 This order terminates Docket Nos. 42 & 43.

4 IT IS SO ORDERED.

5 DATED: 5/23/08



6 RONALD M. WHYTE
United States District Judge